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MISCELLANY.

Curious Wills.—Many curious wills have appeared in the pages of legal literature. A few that come within that category are referred to below.

Jeremy Bentham, the great law reformer and philosopher, bequeathed his body to Dr. Southworth Smith, "that his preserved figure might be placed in a chair at the banquet table of his friends and disciples when they met on any great occasions of philosophy and philanthropy." White's Legal Antiquities, 324.

The will of Sir Joseph Jekyll, who left his large fortune to pay the national debt, was set aside on the ground of imbecility.

Nobel, the Swedish millionaire inventor, provided in his will that the income from his large estate should be divided annually among five persons most distinguished and deserving in chemistry, medicine, literature, physics, and in the cause of universal peace. President Roosevelt was awarded the peace prize in 1906 for his efforts in settling the Russo-Japanese conflict.

The will of Sergeant Meynard who died in the reign of William III was worded in obscure terms. It has been said that he did this on purpose, so that the courts might be called on to settle intricate and difficult points of law which had proved troublesome to him in his practice. Curiosity of Law and Lawyers, page 491.

Lord Chancellor Cowper provided in his will that his son should never travel.

A citizen of San Francisco, who died a few years ago, disposed of a large estate under a will, which exhorted his beneficiaries to "Spend your money in this country," and in a codicil he provided that there were to be "no trips to Europe." Harris, Ancient, Curious and Famous Wills, 225.

The will of a drinking man is reported in a recent number of our esteemed contemporary "The Lawyer and Banker." The will was dated January 16, A. D. 1920. The testator died the week following.

"Know all men by these presents, that I, being of sound mind and body, do hereby make and declare this my last will and testament:

"Firstly—I do desire that all my lawful debts be paid, including my funeral expenses, and unpaid bill for two cases of bourbon, five bottles of gin and three bottles of rye, which will be found among my effects (unless one of the chief mourners should happen to get to them first).

"Secondly—To my beloved wife, who has stood by me all these years and often just as thirsty as I was, I hereby bequeath all

my sixteen-year-old stock, which will be found in a secret panel near the fireplace in the library. Also, in token of my love and affection, she shall have the last three bottles of Scotch, which are secreted in the piano.

"Thirdly—To my dear sons Tom and Jerry, I bequeath three cases each of fairly good rye which I have managed to hold on to and which I hope they will enjoy both the flavor and the fullness thereof.

"Fourthly—To my respected relative Auntie Smart, I bequeath three bottles of near-beer which I have never been able to give away and which I have been afraid to pour into the river for fear of polluting the water supply.

"Fifthly—I do request that one pint bottle of bourbon, which I have deposited in the safety vault at the bank. be placed by my side during the final obsequies, so that in case there should be any delay in crossing the Jordan, I will be fortified.

"Sixthly—The remainder of my estate shall be turned over to the rest of my relations to quarrel over as they see fit."

Some wills are curious only for their brevity. Harriman, the railroad king, disposed of an estate of more than sixty millions of dollars by the following brief will: "I give, devise and bequeath all my property, real and personal, of every kind and nature, to my wife, Mary W. Harriman, to be hers absolutely and forever, and I do hereby nominate and appoint the said Mary W. Harriman as executrix in this will."

The Mississippi Thirst.—From the following judicial utterances it would seem that in Mississippi "the cup that cheers" holds a high place in the thoughts of the people.

In *McComb v. Hill*, 100 Miss. 193, 56 So. 346, the court very aptly said: "It is a matter of common knowledge that nothing is more provoking and distressing than to have to wait for a corkscrew when a burning and consuming thirst is raging within." And, in *Powell v. State*, 108 Miss. 497, which was a prosecution for the unlawful sale of intoxicating liquor, the court said: "It seems that the bottle of whisky in question was produced in court, exhibited to the jury, and identified by the witness. In her brief the appellant says: 'An uncorked bottle of whisky displayed before a jury trying a person for selling whisky is like waving a red flag before an angry bull. If any presumption of innocence remained up to this time, the same would disappear like the "mist before the morning sun."' Appellant is a little mixed in her metaphor, but we apprehend that she means to convey the idea that the mere exhibition of whisky to a thirsty jury would be tantalizing in the extreme, but it seems to us that the state would be the victim of the jury's unsatisfied longing and consequent resentment."

Poetry of Chief Justice Marshall.—We are indebted to Mr. W. H. Bond, a prominent attorney of Wise, Va., for the following verse written by Chief Justice Marshall and preserved in the National Museum at Washington with the statement that it is his only attempt at poetry:

“Where learnt you the notes of that soul stirring measure,
Sweet Mamie, who taught you to carol that song?
From Elizabeth whom the birds have seen with pleasure,
As she tripped the green meadows along.”

Great Lawyers Must Be Great Drudges.—Accuracy and diligence are much more necessary to a lawyer than great comprehension of mind, or brilliancy of talent. His business is to refine, define, split hairs, look into authorities, and compare cases. A man can never gallop over the fields of law on Pegasus, nor fly across them on the wing of oratory. If he would stand on terra firma, he must descend. If he would be a great lawyer he must first consent to become a great drudge.—Daniel Webster.

Homicide by Implication.—Dr. Clark, the famous traveler of a century ago, tells of a curious case which was tried on the Greek island of Cos and which illustrates the Turkish judicial mind: A young man desperately in love with a girl sought to marry her, but his proposals were rejected. Being inconsolable, he bought some poison and destroyed himself. The Turkish police instantly arrested the father of the young woman, as the cause, by implication, of the man's death. Under the fifth species of homicide, he became therefore amenable for this act of suicide. When the cause came before the magistrate, it was urged literally by the accusers, that “if he, the accused, had not had a daughter, the deceased would not have fallen in love; consequently he would not have been disappointed, consequently he would not have swallowed poison, consequently he would not have died. But he, the accused, had a daughter; and the deceased had fallen in love; and had been disappointed; and had swallowed poison; and had died.”

The judgment of the magistrate was that the defendant pay the price of the young man's life; and this, being fixed at the sum of 80 piasters, was accordingly exacted.

The Lawyer's Invocation to Spring.—A modern Blackstone sends us the following “famous poem representing a lawyer's thoughts on spring,” which was written by Henry Howard Brownell (1820-72):

Whereas, on certain boughs and sprays
Now divers birds are hard to spring,
And sundry flowers their heads upraise,
Hail to the coming on of spring!

The songs of those said birds arouse
The memory of our youthful hours,
As green as those said sprays and boughs,
As fresh and sweet as those said flowers.

The birds aforesaid—happy pairs—
Love mid the aforesaid boughs, enshrines
In freehold nests; themselves, their heirs,
Administrators, and assigns.

O busiest term of Cupid's court,
Where tender plaintiffs actions bring—
Season of frolic and of sport,
Hail, as aforesaid, coming Spring!